

# ARIZONA STATE LEGISLATURE

## LEGISLATIVE COUNCIL

**Minutes of the Meeting**  
**June 28, 2018**  
**9:00 A.M., House Hearing Room 3**

### **Members Present:**

Senator Steve Yarbrough, Vice-Chairman	Representative Javan Mesnard, Chairman
Senator Sylvia Allen	Representative Charlene R. Fernandez
Senator Sean Bowie	Representative Ken Clark
Senator Judy Burges	Representative Vince Leach
Senator Warren Petersen	Representative David Livingston
Senator Martin Quezada	Representative Kelly Townsend
Senator Steve Smith	

### **Members Excused:**

Representative Michelle Ugenti-Rita

### **Staff:**

Mike Braun, Executive Director, Legislative Council  
Ken Behringer, General Counsel, Legislative Council  
Patricia Probst, Assistant Director, Legislative Council  
Nadine Sapien, Chief Editor, Legislative Council  
Michele Hanigsberg, Council Attorney, Legislative Council  
Marge Ray, Council Attorney, Legislative Council  
Todd Bayne, Council Attorney, Legislative Council

Chairman Mesnard called the meeting to order at 9:04 a.m. and attendance was noted.

**Mike Braun, Executive Director, Legislative Council**, distributed and explained a sample publicity pamphlet (Attachment A). Mr. Braun explained the statutory requirements for information included in publicity pamphlets for ballot propositions and the layout of the information. Mr. Braun further explained that the reason the Committee is meeting is to adopt an impartial analysis of each ballot initiative. Mr. Braun answered questions posed by the Committee.

### **Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: HCR2032 (2018) public retirement systems**

**Michele Hanigsberg, Council Attorney, Legislative Council**, distributed and explained the "Legislative Council Staff Draft analysis of HCR 2032 (2018)" (Attachment B). After

reviewing the Analysis of HCR2032 it appears to comply with Section 19-124 in that it's an accurate and fair description of the measure.

**Senator Yarbrough moved the ADOPTION of the draft analysis prepared by the staff of the Legislative Council (Attachment B). The motion CARRIED with a roll call vote of 12-0-2 (Attachment 1).**

Representative Livingston explained his vote.

**Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: HCR2007 (2018) clean elections; unlawful contributions; rulemaking**

**Mike Braun, Executive Director, Legislative Council**, distributed and explained the "Legislative Council Staff Draft analysis of HCR 2007 (2018)" (Attachment C). We do believe that it comports with the requirements of Title 19 in terms of it being a concise and impartial analysis of the measure. Mr. Braun answered questions posed by the Committee.

Representative Clark questioned the process of amendments and testimony from the public.

Representative Mesnard suggested having discussion on proposed amendments and then calling on the public for testimony.

Representative Clark distributed and explained Amendment #1 (Attachment D) and Amendment #2 (Attachment E).

Mr. Braun responded to the two amendments.

The Committee discussed the need for the two amendments.

Mr. Braun answered questions posed by the Committee.

**Rivko Knox, League of Women Voters of Arizona**, testified that the original draft analysis is not clear enough and is in support of the two Clark amendments.

**Joel Edman, Arizona Advocacy Network**, testified regarding the need for more clarity in the original draft analysis and keeping the Commission non-partisan.

Mr. Braun distributed and explained an amended "Legislative Council Staff Draft analysis of HCR 2007 (2018)" (Attachment F).

The Committee discussed the amended staff draft analysis (Attachment F).

**Senator Yarbrough moved the ADOPTION of Draft Analysis prepared by the staff of the Legislative Council (Attachment C). I move as an amendment the new Draft (Attachment F). The motion CARRIED with a roll call vote of 11-2-1 (Attachment 2).**

Representatives Fernandez, Livingston, Clark and Mesnard explained their votes.

**Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: R-02-2018 empowerment scholarships; expansion; phase-in**

**Mike Braun, Executive Director, Legislative Council**, distributed and explained the "Legislative Council Staff Draft analysis of R-02-2018" (Attachment G). We believe it is as concise as it can be and still make it fair.

Senator Quezada distributed and explained the Quezada amendment #1 (Attachment H). He reiterated that his goal is to be as clear and concise as possible. Senator Quezada answered questions posed by the Committee.

The Committee discussed the Quezada amendment #1 (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G).

Mr. Braun answered procedure questions.

Representative Mesnard explained that the Committee would discuss the six Quezada amendments and then vote on them separately.

Senator Quezada explained the Quezada amendment #2 (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G) and answered questions posed by the Committee.

The Committee discussed the Quezada amendment #2 (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G).

Mr. Braun answered additional questions posed by the Committee.

Senator Quezada explained the Quezada amendment #3 (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G) and answered questions posed by the Committee.

The Committee discussed the Quezada amendment #3 (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G).

Senator Quezada explained the Quezada amendment #4 (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G) and answered questions posed by the Committee.

The Committee discussed the Quezada amendment #4 (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G).

Mr. Braun answered additional questions posed by the Committee.

Senator Quezada explained the Quezada amendment #5 (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G) and answered questions posed by the Committee.

The Committee discussed the Quezada amendment #5 (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G).

Mr. Braun answered additional questions posed by the Committee.

Senator Quezada explained the Quezada amendment #6 (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G) and answered questions posed by the Committee.

The Committee discussed the Quezada amendment #6 (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G).

Mr. Braun answered additional questions posed by the Committee.

Senator Yarbrough distributed and explained the Yarbrough amendment (Attachment I) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G) and answered questions posed by the Committee.

The Committee discussed the Yarbrough amendment (Attachment I) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G).

Mr. Braun answered additional questions posed by the Committee and clarified what changes the Committee wanted made to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G).

The Committee further discussed the Quezada amendment #4 (Attachment H) and the Quezada amendment #6 (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G).

Mr. Braun answered additional questions posed by the Committee.

**Senator Quezada moved the Quezada #1 amendment (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G). The motion FAILED by voice vote.**

**Senator Quezada moved the Quezada #2 amendment (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G). The motion FAILED by voice vote.**

**Senator Quezada moved the Quezada #3 amendment (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G). The motion FAILED by voice vote.**

**Senator Quezada moved the Quezada #6 amendment (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G) amended.**

Representative Mesnard read part of what the amendment would read. Mr. Braun clarified the changes made if the Quezada #6 amendment (Attachment H) is adopted.

**Senator Quezada said so moved. The motion CARRIED by voice vote.**

The Committee further discussed the Quezada #4 and #5 amendments (Attachment H).

Mr. Braun answered questions posed by the Committee.

Representative Fernandez requested a roll call vote be done when the Quezada amendment #5 has been moved.

**Senator Quezada moved the Quezada #5 amendment (Attachment H) to the Legislative Council Staff Draft Analysis of R-02-2018 (Attachment G). The motion FAILED with a roll call vote of 4-8-2 (Attachment 3).**

Senator Smith and Representative Mesnard explained their votes.

**Senator Quezada moved part of the Quezada #4 amendment that says "line 30, strike "foster students" insert "STUDENTS IN FOSTER CARE" (Attachment H). The motion CARRIED by voice vote.**

**Senator Quezada moved the Quezada proposed amendment #4, the second half of that, which would be "line 33, striking ", except that the funding" and inserting ". A STUDENT PREVIOUSLY ATTENDING A CHARTER SCHOOL WOULD RECEIVE A HIGHER ESA AMOUNT THAN A STUDENT PREVIOUSLY ATTENDING A DISTRICT SCHOOL, EXCEPT THAT THE FUNDING" (Attachment H). The motion FAILED by voice vote.**

**Senator Yarbrough moved Yarbrough amendment (Attachment I) be adopted with the amendment inserting "however" before "A".**

Representative Fernandez questioned the process for public testimony. Representative Mesnard responded to the question.

**Representative Mesnard called for a vote on Senator Yarbrough's motion. The motion CARRIED by voice vote.**

**Beth Lewis, Chair, Save Our Schools Campaign,** explained a change she would like made to the Draft Analysis, line four, replace the word "used" with "redirect state tax dollars to an" and replace "monies to obtain" with the word "for".

**Dawn Thacker, Save Our Schools Campaign**, explained a change she would like made to the Draft Analysis, in lines two and three, strike the word "and" and also strike "to provide educational options for qualified Arizona students".

Ms. Thacker stated that she would like the Draft Analysis to read "An Empowerment Scholarship Account (ESA) is an account administered by the Arizona Department of Education that is funding by state tax dollars. A parent may opt to remove a student from the public school system (district and charter schools) to obtain alternative educational services for the student". Ms. Thacker explained her reasoning for these changes and answered questions posed by the Committee.

Mr. Braun attempted to clarify the changes being requested by the Save Our Schools Campaign.

The Committee discussed the proposed changes to the Draft Analysis.

Ms. Lewis made comments regarding the proposed changes to the Draft Analysis.

**Representative Mesnard moved to amend the Draft Analysis (Attachment G) on line 4, after "use" insert "monies in an" after ESA strike "monies".**

Ms. Lewis suggested another change which was held until after a vote on the motion on the table.

Mr. Livingston requested clarification on the motion.

**Representative Mesnard stated how the amended part of the sentence starting on line three would read if the amendment is adopted: A parent may opt to remove a student from the public school system (district and charter schools) and use monies in an ESA to obtain alternative educational services for the student including... The motion CARRIED by voice vote.**

Ms. Lewis suggested another change to the Draft Analysis removing "including foster students".

Representative Mesnard stated her point is so noted.

Ms. Thacker explained a requested amendment to the Draft Analysis on page one, line 41, after "ESAs" strike ":" insert "."; strike page two.

The Committee discussed Ms. Thacker's requested amendment.

**Catherine Sigmon, Treasurer, Save Our Schools Campaign**, testified in opposition to the Legislative Council Staff Draft Analysis.

Mr. Braun clarified existing laws regarding Empowerment Scholarship Accounts.

**David Schapira, representing himself**, testified in opposition to the Legislative Staff Draft Analysis as originally distributed and in support of adding the word "redirect" on line four instead of the word "use". Mr. Schapira suggested changing the wording from "low income students" to "students from low income households". Mr. Shapira answered questions posed by the Committee.

The Committee discussed the suggestions from Mr. Schapira.

**Melinda Iyer, Save Our Schools Arizona**, suggested proposed changes to the Draft Analysis.

The Committee discussed changes to the Draft Analysis.

Representative Clark suggested an amendment to the Draft Analysis.

**Representative Clark moved an amendment to the Draft Analysis to add as paragraph seven "The Department of Education policies regarding eligible expenses may not restrict the types or amount of curriculum choices made by parents or students." Representative Clark requested a roll call vote.**

Representatives Mesnard and Livingston stated their opposition to the Clark amendment.

**Representative Mesnard called for a vote on the Clark amendment to the Legislative Council Staff Draft Analysis (Attachment G). The motion FAILED with a roll call vote of 4-7-3 (Attachment 4).**

Staff distributed a copy of the amended Legislative Council Staff Draft Analysis of R-02-2018 (Attachment J) and the Committee discussed the changes.

**Senator Yarbrough moved that the amended Legislative Council Staff Draft Analysis for R-02-2018 (Attachment J) be ADOPTED. The motion CARRIED with a roll call vote of 8-4-2 (Attachment 5).**

Senators Quezada and Yarbrough explained their votes.

Representatives Clark, Fernandez, Leach, Townsend and Mesnard explained their votes.

## **APPOINTMENT OF EXECUTIVE DIRECTOR**

**Mike Braun, Executive Director, Legislative Council**, explained the term of Executive Director of Legislative Council and that the Committee would need to appoint the Executive Director for the next term.

**Senator Yarbrough moved the appointment of Michael Braun as Executive Director of Arizona Legislative Council. The motion CARRIED with a roll call vote of 12-0-2 (Attachment 6).**

Attached are forms noting the individuals who submitted a Speaker slip on the agenda items (Attachment K).

Attached is a list noting the individuals who registered their position on the agenda items (Attachment L).

There being no further business, the meeting was adjourned at 1:26 p.m.

Respectfully submitted,

Shelley Ponce  
Committee Secretary

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)